



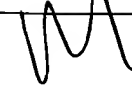
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,349	10/05/2000	Aaron T. Jones	0112300/030	7826
29159	7590	06/15/2004	EXAMINER	
BELL, BOYD & LLOYD LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			COBURN, CORBETT B	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/680,349	Applicant(s) JONES, AARON T. 	
	Examiner Corbett B. Coburn	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 03 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1-4, 11-28, 32 & 34-39, 42-46 & 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrie. (US Patent Number 5,883,537) in view of Medl et al. (US Patent Number 6,209,006)

Claims 1, 3, 4, 11, 34, 37-39, 42-46, 49: Barrie teaches a game controller (214); a display device (112) attached to the controller and controlled thereby; a plurality of reels (116a-c) displayed on the display device; and a plurality of symbols (118a-i) displayed on the reel. Barrie teaches a game operable upon a wager by the player. Barrie teaches at least one payline associated with the reels. There are a plurality of different winning combinations of the symbols and a plurality of awards each resulting from one of the winning combinations occurring on the payline. (Fig 4) The controller causes the display device to display randomly generated symbols. There is a means (touch screen, 218) connected to the controller for selecting a symbol on the screen – the player selects a symbol to add a persistent symbol. (Fig 5, 516) The touch screen is a digital input device. There is a payable display for the symbol stored in memory. (Viewed by selecting button 138f.) Barrie teaches displaying the payable when the player selects a button (138f), but does not teach displaying payable for a particular symbol when the player selects that symbol.

Medl teaches providing pop-up help concerning a symbol when a player selects that symbol on a computer screen. Medl teaches that this is non-intrusive and provides immediate help “where the user knows in advance of selection that the information

provided will specifically correlate with the help information needed.” (Col 1, 47-52) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Barrie to display payable information for a particular reel symbol when the player selects that symbol on the reel in view of Medl’s suggestion that doing so will provide immediate help “where the user knows in advance of selection that the information provided will specifically correlate with the help information needed in a non-intrusive manner.

Claim 2: Barrie’s Fig 1 shows a plurality of symbols on a plurality of wheels.

Claim 12: Barrie teaches the invention substantially as claimed. Barrie teaches displaying the entire payable. Medl teaches providing information only on a particular symbol selected by the user. Medl teaches that this is non-intrusive and provides immediate help “where the user knows in advance of selection that the information provided will specifically correlate with the help information needed.” (Col 1, 47-52) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Barrie to display payable information for a particular reel symbol when the player selects that symbol on the reel in view of Medl’s suggestion that doing so will provide immediate help “where the user knows in advance of selection that the information provided will specifically correlate with the help information needed in a non-intrusive manner.

Claim 13: Clearly displaying a separate help display (a payable) for each symbol as suggested by Medl would be displaying a plurality of paytables. Since the controller

Art Unit: 3714

controls the display of the paytables the sequencing of the paytables would be according to a sequence contained in the controller.

Claim 14: Clearly displaying a separate help display (a payable) for each symbol as suggested by Medl would be displaying a plurality of paytables for a plurality of symbols.

Claim 15: Barrie teaches the invention substantially as claimed, but does not teach multiple ways to link to the payable display. Barrie teaches that a symbol may appear in more than one place – Fig 1 shows two bells. Medl teaches that selecting a symbol on the screen causes the help to be displayed. If, as suggested by Barrie, more than one copy of the symbol may appear, selecting any copy of the symbol should obviously generate the help display. Otherwise, the player will not know which copy of the symbol to choose. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Barrie in view of Medl to enable a player to select one of a plurality of means (i.e., any of the displayed copies of the symbol) for selecting a single payable in order to provide help to the player without undue confusion.

Claims 16, 17, 32: Barrie teaches a touch screen and buttons making selections. (Fig 2) Touch screens, buttons, cursors, joysticks, mice, light pens, light detectors, rollers, remote controls, etc. are **NOTORIOUSLY** well known equivalents.

Claim 18: Barrie teaches a plurality of symbols (118a-i). Medl teaches a separate selector (i.e., a separate hyperlinked symbol) for each symbol.

Claims 35 & 36: Medl teaches context sensitive help provides help on a specific topic. As taught in Medl's Fig 1b, each symbol has it's own help information. Thus to

Art Unit: 3714

implement Medl's context sensitive help for a gaming machine's symbols, it would be necessary to have a separate payable for each of the plurality of symbols.

2. Claims 5-8, 19-24, 26-31, 40, 41, 47 & 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrie and Medl as applied to claim 1, 2, 15, 39 or 49 above, and further in view of and Fey (*Slot Machines, A Pictorial History of the First Hundred Years*, 1983).

Claim 5, 8: Barrie teaches displaying a payable, but does not teach the form of the payable. Fey teaches traditional form of a payable. As clearly shown in the picture of the Fey 1899 Liberty Bell slot machine, each symbol is associated with at least one payable display. This has been the industry standard for over a hundred years. It would have been obvious to one of ordinary skill in the art at the time of the invention to have each symbol in Barrie's payable associated with at least one payable display in order to be in line with industry standards as depicted in Fey.

Claim 6: Applicant's Specification, pages 3 & 4, discloses that it is well known in the art to have paytables that are too large to display on a single screen. These paytables obviously have a plurality of displays (screens of data). Equally obviously, each of these displays (screens of data) would contain different payable information from each of the other displays – it makes no sense to have duplicate pages of data.

Claim 7: Barrie teaches a touch screen that is a means for selecting to display a payable.

Claim 19: Barrie teaches displaying a payable, but does not teach the format of the payable. Medl teaches displaying help information concerning each selected symbol.

Fey teaches the format of the payable. As clearly shown by Fey, payable information includes payout information for combinations of symbols containing a particular symbol.

Art Unit: 3714

Claims 20-24, 26-31, 40, 41, 47 & 48: These claims are drawn to the contents of the paytables displayed. Features such as bonus triggers, scatter pay, multipliers, and substitute information are well known to the art. Obviously, the payable information displayed would reflect the information in the games payable, and, for games having these well-known features, would contain information concerning these features.

Obviously, the payable would show all winning combinations of the symbol and all awards associated therewith.

3. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrie and Medl as applied to claim 1 above, and further in view of Walker et al. (US Patent Number 6,068,552).

Claim 25: Barrie and Medl teach the invention substantially as claimed, but do not teach displaying the payable on a secondary video display. Barrie does not disclose how the payable is displayed, but it must be displayed on a video display. Medl teaches displaying the help information in a separate window (Fig 3) positioned to be non-intrusive. Medl teaches that it is important that the help information be displayed in a non-intrusive manner. (Col 1, 45-52) It would be difficult to display a great deal of information in a non-intrusive manner on a busy video screen such as that depicted in Barrie's Fig 1. Displaying the payable information on a secondary video display would allow payable information to be displayed in a non-intrusive manner. Walker has a secondary video display (229) that is used to display payable information. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Barrie and Medl to display the payable on Walker's secondary display in order to present the payable in a non-intrusive manner as suggested by Medl.

Art Unit: 3714

4. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrie and Medl as applied to claim 13 above, and further in view of Victor et al. (US Patent Number 5,363,482)

Claim 33: Barrie and Medl teach the invention substantially as claimed but do not teach the step of sequencing said paytables according to a sequence contained in said controller includes a timed sequential display of each of said paytables. Victor teaches displaying data in a sequence in a timed sequential display. (Col 4, 57-61) This allows a number of screens to be presented without user intervention. In cases where the payable information is too large to fit on a single screen, it would be necessary to display more than one screen's worth of data. In that case, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Barrie and Medl to sequence said paytables according to a sequence contained in said controller including a timed sequential display of each of said paytables as suggested by Victor in order to present a number of screens of data without user intervention.

Response to Arguments

5. Applicant's arguments filed 27 February 2004 have been fully considered but they are not persuasive.

6. The Declaration of Aaron Jones under 37 CFR 1.132 filed 27 February 2004 and the Declaration of Aaron Jones under 37 CFR 1.132 resubmitted on 3 June 2004 are insufficient to overcome the rejection of claims 1-48 based upon obviousness under 35 USC §103(a) as set forth in the Non-Final Rejection because:

The declarations fail to present independent evidence that the problem solved was a long-felt need. As discussed in the interview between Applicant and Examiner, there must be some

Art Unit: 3714

evidence that the industry recognized the complexity of the paytables as a problem and was working to solve this problem. Mr. Jones has presented evidence that the industry recognized the importance of understanding the paytables – all of the articles agree that the player should understand the paytables prior to playing the game. Since the beginning of the slot machine's history, players have needed to understand the payable – this is common sense. Articles stating the obvious do not illustrate a long felt need.

None of the articles – not a single article – suggested that the paytables were overly complicated or that they were difficult for players to understand. No article suggests, “We need to do something about this problem.”

Actually, none of the articles can be fairly read to even suggest that the authors recognized a problem. The closest, “Multiple Paylines May Vex Some Players”, suggests that players may not understand the concepts of multipliers or multiple paylines, but fails to suggest that the paytables are seen as being too complicated. In fact, the article suggests just the opposite. The author tells the questioner that all the information needed is posted on the front of the machine and advises her to “take a moment” to familiarize herself with this information prior to playing.

The article resubmitted on 3 June 2004 also fails to suggest that there was a long-felt need. The article states that touchscreen technology is highly useful and recognizes Applicant's competitor's product as being an excellent use of this technology. But recognition of excellence is not evidence of long-felt need. The article does not suggest that, “finally, someone has done something about the problem of complicated paytables.”

Given the complete lack of evidence of long felt need, Examiner cannot in good conscience conclude that the Declarations of Aaron Jones under 37 CFR 1.132 are sufficient to overcome the rejection of claims 1-48 based upon obviousness under 35 USC §103(a) as set forth in the Non-Final Rejection.

In the interest of advancing prosecution, Examiner will give some examples of material that might constitute evidence of long-felt need. Any publication that recognizes that pay tables are too complicated might be evidence of long-felt need – especially if the publication suggested that someone should address the problem. Industry-wide reports from consumers that suggest that gaming machine users were confused by complicated paytables might provide such evidence. (It is not necessary that these reports be published to the industry at large. Evidence that casinos provide such reports to all gaming machine manufacturers would be sufficient.) Letters of complaint about the difficulty of understanding paytables from slot machine players, if of sufficient volume, might provide the necessary evidence. Evidence of action on the part of regulators to make paytables easier to understand might provide the evidence.

Nor would it be necessary to provide actual reports, letters of complaint, etc. An affidavit or declaration attesting to the nature, volume, and duration of material of this nature would be sufficient.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 3714


MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Jessica Harrison can be reached on (703) 308-2217. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


cbc


JESSICA HARRISON
PRIMARY EXAMINER